

### **REMARKS**

Reconsideration of this application is requested in light of the foregoing amendments and the following remarks. This response amends claims 1, 4-6, 12, and 17. No claims are added or cancelled. Claims 1-23 remain pending in this application.

### **CLAIM OBJECTIONS**

Claims 4 and 5 are objected to because claim 4 includes the phrase “the system of claim 3,” which is erroneous, and a similar error was noted in claim 5. Applicant noted a similar error in claim 6. Applicant has amended claims 4, 5, and 6, in order to refer correctly to “the apparatus,” rather than “the system,” in the preambles of these claims.

### **CLAIM REJECTIONS UNDER 35 USC § 103**

#### **Claims 1-5 and 7-21:**

In the Office Action, claims 1-5 and 7-21 are rejected under 35 USC 103(a) as being unpatentable over Chadha (Pub. No. US 2004/0176107, hereinafter Chadha) in view of Logan et al. (US Patent 6,996,402, hereinafter Logan). Applicant has amended claims 1, 12, and 17 and respectfully traverses the rejection.

Chadha discloses a position-based task management system in which a wireless device 200 (i.e., a GSM phone) communicates via a network 220 with a Task Management Application 100 or 215, Task Management Engine 110 or 230, and Position/Location Detector 120 or 240 (Figures 1 and 2; paragraphs [0023], [0028]). Position/Location Detector 120, 240 uses a technology to calculate the location of a wireless device, with a list of technologies specified as enhanced observed time difference (EOTD), base station identifier, and cell site/sector identifiers (paragraphs [0026], [0028]). The Task Management Engine 110, 230 obtains position information from Position/Location Detector 120, 240, and based on a database of actions and task reminders maintained by the Task Management Engine 110, 230, triggers reminders/actions

to be sent from Task Management Application 100, 215 to the wireless device (paragraph [0026]). Whenever a position-rule needs to be executed, the Task Management Engine 230 passes information to the Task Management Application 215 (paragraph [0031]), so that it can cause the appropriate reminder to be alerted on the user's wireless device and/or carry out a required action on the wireless device (paragraph [0027]). Examples of reminders include, as listed examples, "Remind me to buy item X whenever I pass near store Y" (paragraph [0014]). Chadha discloses that various embodiments may be deployed on wireless networks that include GSM, CDMA, TDMA, UMTS, Bluetooth, IrDA, and IEEE 802.11 (paragraph [0041]).

Logan discloses a network that includes a server 101 connected via the internet 103 to a plurality of electronic devices that employ Bluetooth chips or other radio frequency devices to sense the relative location of devices in the network (Figure 1; col. 3, lines 7-14). Devices in the network may communicate with the network by operating in a long range mode or with each other by operating in a short range mode (Figure 2, col. 5, lines 47-62). The devices may detect and report the position of nearby devices (col. 5, lines 63-66), meaning that some of the devices may act as relay stations for device position and identification information (col. 7, lines 59-61). The server 230 may receive position information from the devices (col. 6, lines 4-10), and may provide alert messages (e.g., to a security guard or to a user) when a position-related rule is satisfied (col. 7, lines 64-67; col. 9, line 38 through col. 10, line 63). RFID technologies may be used to determine when particular objects are within a predetermined range of other objects (col. 6, lines 19-47).

Applicant's claims 1-5 and 7-21 include at least the following features, which distinguish these claims from that which is taught or suggested by Chadha in view of Logan:

Claims 1-5:

“An apparatus for forming a Wireless Personal Area Network (WPAN) from a plurality of Personal Area Network (PAN) devices, comprising:

a location determinator configured to determine a location for each of said plurality of PAN devices using a radio frequency identification (RFID) tag location technique;

a comparator coupled to the determinator and configured to compare said location for each of said plurality of PAN devices with a WPAN association criteria in order to determine an identification of each of said plurality of PAN devices that at least partially satisfy said WPAN criteria; and

a communication link coupled to the comparator configured to transmit, to said plurality of PAN devices that at least partially satisfy said WPAN criteria, said identification of each of said plurality of PAN devices that at least partially satisfy said WPAN criteria in order to form a WPAN.”

Claims 7-11:

“A Wireless Personal Area Network (WPAN), comprising:

... a base station coupled to said remote communication node and said RFID tag function of said plurality of electronic devices, wherein said base station is configured to:

determine a location for each of said plurality of electronic devices with at least partial utilization of said RFID tag function;

compare said location for each of said plurality of electronic devices with a WPAN association criteria in order to determine an identification of each of said plurality of electronic devices that at least partially satisfies said WPAN

association criteria; and  
transmit said identification of each of said plurality of electronic devices that at least partially satisfy said WPAN association criteria to said remote communication node for distribution to at least two of said plurality of electronic devices.”

Claims 12-16:

“A method for forming a Wireless Personal Area Network (WPAN) with a plurality of Personal Area Network (PAN) devices, comprising the steps of:

determining a location for each of said plurality of PAN devices using a radio frequency identification (RFID) tag location technique;  
comparing said location for each of said plurality of PAN devices with a WPAN association criteria;  
determining an identification of a subset of said plurality of PAN devices based at least in part upon said comparing step; and  
transmitting said identification of said subset of said plurality of PAN devices that at least partially satisfy said WPAN criteria to at least said subset of PAN devices.”

Claims 17-21:

“A method for forming a Wireless Personal Area Network (WPAN) with a plurality of Personal Area Network (PAN) devices, comprising the steps of:

determining a location for each of the plurality of PAN devices using a radio frequency identification (RFID) tag location technique;  
comparing the location determined for each of the PAN devices with WPAN association criteria;  
choosing a subset of the PAN devices whose locations at least partially satisfy the

WPAN criteria; and

transmitting identification of the devices in the subset to at least the subset of PAN devices.”

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Traverse 1: No Suggestion or Motivation to Combine Reference Teachings

There is no suggestion or motivation to combine the teachings of Chadha and Logan in the references themselves or in the knowledge generally available to one of ordinary skill in the art in order to produce Applicant’s claimed invention. Both Chadha and Logan are directed to non-analogous art, as neither reference pertains to the art area of forming a Wireless Personal Area Network (WPAN), which is the art area to which Applicant’s claims 1-5 and 7-21 pertain. Instead, both Chadha and Logan are directed to position-based task management systems, and *neither reference even mentions forming a WPAN*. Accordingly, neither reference has any suggestion to combine the references, and one of ordinary skill in the art would not combine the references, in order to produce Applicant’s claimed invention.

Traverse 2: The References Do Not Teach or Suggest All the Claim Limitations

Neither Chadha, Logan nor their combination teach or suggest all the limitations of Applicant’s claims 1-5 or 7-21. For example, as discussed above, neither Chadha, Logan nor their combination disclose a method for forming a WPAN (or even mention a WPAN) as set

forth in Applicant's claims 1-5 and 7-21. Further, neither Chadha, Logan nor their combination teach or suggest comparing a location of a PAN device with a WPAN association criteria to determine PAN devices that at least partially satisfy the WPAN association criteria, or transmitting an identification of such PAN devices to the PAN devices, as is claimed in Applicant's claims 1-5 and 7-21. Accordingly, neither Chadha, Logan nor their combination teach or suggest all the limitations of Applicant's claims 1-5 or 7-21.

Because there is no suggestion or motivation to combine the teachings of Chadha and Logan, and the references do not teach or suggest all of the claim limitations, a *prima facie* case of obviousness cannot be sustained. Based on the amendments and the above remarks, Applicant believes that the rejection of claims 1-5 and 7-21 under 35 U.S.C. 103(a) has been overcome. Accordingly, Applicant respectfully requests that this rejection be reconsidered and withdrawn, and that claims 1-5 and 7-21 be allowed.

Claims 6 and 22-23:

In the Office Action, claims 6 and 22-23 are rejected under 35 USC 103(a) as being unpatentable over Chadha and Logan, and further in view of Trossen et al. (Pub. No. US 2005/0059410, hereinafter Trossen). Applicant has amended claims 1 and 17, from which claims 6 and 22-23 depend, and respectfully traverses the rejection.

Trossen discloses a system and method for providing differential location to a terminal (Abstract). The system includes a location provider 28 and one or more access points 25, which may be wirelessly coupled to one or more terminals 10 (paragraph [0023]).

As discussed above in conjunction with the rejection of claims 1-5 and 7-21, neither Chadha, Logan nor their combination disclose, suggest or motivate the features of Applicant's claims 1 or 17, from which claims 6 and 22-23. Further, Trossen does not make up for the deficiencies in Chadha and Logan, and Trossen also is directed to non-analogous art, for reasons

Application No.: 10/799,063  
Reply to Office Action mailed on 08/23/2007  
Reply dated 09/28/2007

similar to those given above with respect to Chadha and Logan. Because neither Chadha, Logan, Trossen nor their combination teach or suggest all of the claim limitations, and the references are directed to non-analogous art, a *prima facie* case of obviousness cannot be sustained.

Based on the amendments and the above remarks, Applicant believes that the rejection of claims 6 and 22-23 under 35 U.S.C. 103(a) has been overcome. Accordingly, Applicant respectfully requests that this rejection be reconsidered and withdrawn, and that claims 6 and 22-23 be allowed.

#### SUPPORT FOR CLAIM AMENDMENTS

Support for the claim amendments may be found in the originally filed specification at least in paragraph [0015]. No new matter is introduced as a result of these amendments.

Application No.: 10/799,063  
Reply to Office Action mailed on 08/23/2007  
Reply dated 09/28/2007

### **CONCLUSION**

In view of Applicant's amendments and remarks, it is respectfully submitted that the Examiner's objections and rejections have been overcome. In addition, Applicant has considered the other art of record, and does not believe it to bear upon the allowability of Applicant's claims. Accordingly, Applicant respectfully submits that the application, as amended, is in condition for allowance, and such allowance is therefore earnestly requested. Should the Examiner have any questions or wish to further discuss this application, Applicants request that the Examiner contact the Applicant's attorney at (480)385-5060.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2019 for any fee which may be due.

Respectfully submitted,

Ingrassia Fisher & Lorenz, P.C.

Date September 28, 2007

/SHERRY W. SCHUMM/

Sherry W. Schumm

Reg. No. 39,422

480.385.5060